

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number: 07977-254003
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.	Application Number 10/667,899	Filed September 23, 2003
Date of Deposit	First Named Inventor Akiharu MIYANAGA et al.	
Signature	Art Unit 2818	Examiner David Vu
Typed or Printed Name of Person Signing Certificate		

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
 - assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
is enclosed. (Form PTO/SB/96)
 - attorney or agent of record 37,640
(Reg. No.)
 - attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34
-



Signature

John F. Hayden
Typed or printed name
(202) 783-5070
Telephone number
March 17, 2008
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. see below.

-
- Total of 4 forms are submitted.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Akiharu MIYANAGA et al. Art Unit : 2818
Serial No. : 10/667,899 Examiner : David Vu
Filed : September 23, 2003 Conf. No. : 8644
Title : SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE
SAME

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Pursuant to United States Patent and Trademark Office OG Notices: 12 July 2005 - New Pre-Appeal Brief Conference Pilot Program, a request for a review of identified matters on appeal is hereby submitted with the Notice of Appeal. Review of these identified matters by a panel of examiners is requested because the rejections of record are clearly not proper and are without basis, in view of a clear legal or factual deficiency in the rejections. All rights to address additional matters on appeal in any subsequent appeal brief are hereby reserved.

Claims 39-61 are pending with claims 39, 43, 50 and 54 being independent. Claims 39-42 and 50-58 have been rejected as being anticipated by Sanchez (U.S. Patent No. 5,583,067). Claims 39, 43, 50, 54 and 59-61 have been rejected as being anticipated by Shimizu (U.S. Patent No. 5,217,910). Claims 44-49 have been rejected as unpatentable over Shimizu in view of Sanchez.

Applicant specifically asks the panel to review the issues highlighted below.

1. Sanchez does not describe or suggest first and second impurity regions formed in the channel region, with the first and second impurity regions in contact with the same one of the source and drain regions, as recited in each of claims 39, 50 and 54.

Each of claims 39, 50 and 54 is directed to a semiconductor device that includes, among other elements, a channel region between source and drain regions in a semiconductor substrate, and at least first and second impurity regions formed in the channel region. The first and second impurity regions are both in contact with the same one of the source and drain regions. In addition, the first and second impurity regions are separated from each other and doped with an impurity of a conductivity type opposite to the source and drain regions.

The rejection refers to Fig. 8 of Sanchez and indicates that the N+ regions 84a and 84b correspond to the recited source and drain regions and the P-doped regions 82a and 82b correspond to the recited first and second impurity regions. However, as is clearly evident from Fig. 8, the P-doped regions 82a and 82b don't both contact one of the N+ regions 84a or 84b and, accordingly, don't both contact the same one of the source and drain regions, as recited in claims 39, 50 and 54. In addition, in view of the recitation that the first and second impurity regions are separated from one another, different portions of the P-doped region 82a or the P-doped region 82b cannot be said to correspond to the recited first and second impurity regions.

For at least these reasons, the anticipation rejection based on Sanchez should be withdrawn.

2. Shimizu, like Sanchez, does not describe or suggest (1) first and second impurity regions formed in the channel region, with the first and second impurity regions in contact with the same one of the source and drain regions, as recited in each of claims 39, 50 and 54, or (2) at least first and second impurity regions formed in the channel region and in contact with the source region, as recited in claim 43.

Similarly to claims 39, 50 and 54, independent claim 43 is directed to a semiconductor device that includes, among other elements, a channel region between source and drain regions in a semiconductor substrate, and at least first and second impurity regions formed in the channel region, in contact with the source regions, separated from each other, and doped with an impurity of a conductivity type opposite to the source region.

The rejection refers to Fig. 9E of Shimizu and indicates that the p-doped regions correspond to the recited source and drain regions, and that the n-doped regions 37 correspond to the recited first and second impurity regions. However, as is clearly evident from Fig. 9E, the n-doped regions 37 don't both contact one of the p-doped regions and, accordingly, don't both contact the same one of the source and drain regions, as recited in claims 39, 50 and 54, or the source region, as recited in claim 43. In addition, in view of the recitation that the first and second impurity regions are separated from one another, different portions of a single n-doped region 37 cannot be said to correspond to the recited first and second impurity regions.

For at least these reasons, the anticipation rejection based on Shimizu should be withdrawn.

3. Since both Sanchez and Shimizu fail to describe or suggest the same features of the independent claims, no proper combination of Sanchez and Shimizu would include those features.

As noted above, each of Shimizu and Sanchez fails to describe or suggest the same feature of independent claim 43 from which claims 44-49 depend. Accordingly, any proper combination of Shimizu and Sanchez would also fail to do so and, for at least this reason, the rejection should be withdrawn.

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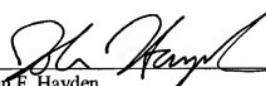
Attorney's Docket No.: 07977-254003 / US3823D1D1

Appellant submits that all claims are in condition for allowance.

The fees in the amount of \$630 for the Notice of Appeal fee (\$510) and the Extension of Time fee (\$120) are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/17/08


John F. Hayden
Reg. No. 37,640

Customer No. 26171
Fish & Richardson P.C.
1425 K Street, N.W. - 11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
/adt
40480668.doc